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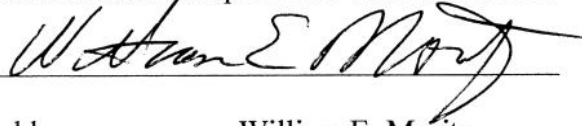
OCT 31 2005

Public Disclosure Commission

Certification for a  
Complaint to the Washington Public Disclosure Commission Relating to a  
Violation of the Public Disclosure Law by as Many as 11  
Entities that Appear NOT be Properly Registered as  
Political Committees AND/OR  
Have Violated RCW 42.17.130

I certify under penalty of perjury under the laws of the State of Washington that the facts set forth in this attached complaint are true and correct.

Signature



Name and address:

William E. Moritz  
16901 – 105<sup>th</sup> Ave NE  
Bothell WA 98011-4033

Telephone:

425-488-8270

Date signed: 28 October 2005

Place signed: Bothell / King County

\*RCW 9A.72.040 provides that “(1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor.”

COMPLAINT FOLLOWS:

28 October 2005

Dear Commissioners,

The donations being made to City Council races in the City of Bothell reveal evidence of violations of Public Disclosure rules by the City of Bothell Fire Department, the IAFF Local #2099 (Bothell), and firefighter unions associated with the following cities: Kent, Bellevue, Kirkland, Shoreline, Woodinville, and Renton. It appears that the “Wash. State Council of Firefighters” is not registered as a ‘political committee’ as required by state law. Either that or three candidates for Bothell Council positions have erroneously reported donations on their C-3 filings where they state: “I certify that this report is true and complete to the best of my knowledge.”

The attached spreadsheet (Exhibit #1) lists the apparent violations that were uncovered by a review of over 95 filings for Council candidates Joshua Freed, Jeffery L. Merrill, and Delmis P. Spivey. In each case, a search using your data base for the exact name of the Contributor listed on the identified C3 filings was carried out. That search failed to locate an entity with the names the candidates entered as “true and complete.”

As part of my due diligence, I did attempt to find political committees with similar name to those listed on Exhibit #1. A search using ‘\*firefighters\*’ only uncovered “Kent Firefighters IAFF 1747 PAC.”

RECEIVED  
OCT 31 2005

Here is a photograph of the sign in front of the City of Bothell's Downtown Firehouse (which also serves as the Headquarters for the Fire and EMS services for the City). The address on the sign is the address listed on 5 of the filings in Exhibit #1.



re Commission

I presented some of this information to the Bothell City Council on 17 October 2005 during the Public Comment part of their meeting. A video tape of that presentation should be available through the City of Bothell and their Community TV station.

I believe that, in response to my presentation, James H. Ito, Treasurer, IAFF Local 2099 (Bothell) prepared and mailed the letter marked as Exhibit #3 – which in fact is addressed to you. His letter and the attached sample checks raise three questions:

1. Checks similar to the VOIDed check #1734 were apparently used by their “SEGREGATED FUND” (SF) to make as many as 5 donations to candidates for Bothell Council in this election cycle. Until the evening of 20 October 2005, I had never heard of such a fund. However, following a Candidate’s Forum held at the Northshore School District Administration Building in Bothell, Delmis Spivey and I spent more than an hour discussing various issues related to the campaigns and donations. At that time he assured me that ALL funds used for political purposes at his Local (Bellevue) were handled in such a “SEGRAGATED FUND.”

Mr. Ito states that the “This Segregated Fund is in [the] full control of IAFF Local 2099...” My Spivey told me that members of his local voluntarily contribute to their SF with the express intent to support candidates for public office or ballot measures. My reading of the RCW and WAC leads me to conclude that each fire local that has a SF must register as a Political Committee. Either they have failed to do so OR the identification information entered by the above candidates is incorrect.

2. Looking at VOIDed Check #1734, the address on the check is “10726 BEARDSLEE BLVD. BOTHELL, WA 98011.” It is the City’s Downtown Firehouse. (EXHIBIT #2) One can reasonably conclude that Local 2099 has used the Firehouse for political activity – a violation of RCW 42.17.130.

Mr. Ito’s letter explained this ‘misleading’ information by saying: “... our check stock is rather dated.” But the fact remains that at least some, and perhaps several hundred, such checks have been used to make donations to candidates or ballot issues over an unknown number of years. This violates RCW 42.17.130.

3. Looking again at both VOIDed checks, I noticed that the same phone number appears. If you ‘Google’ that number (425-486-1678) you discover it is the City of Bothell Fire

OCT 31 2005

Department's main phone number. One has to conclude that the union is using the Fire Department's telephone line (paid for with tax dollars) for union business. This appears to be yet another violation of RCW 42.17.130. Public Disclosure Commission

ADDITIONAL CONTRIBUTIONS: Many in the community, me included, have received an automatic voice message paid for by the Bothell Firefighters Local 2099. The message urges voters to support not only Freed, Merrill and Spivey but adds Sandra Guinn, running unopposed for Position #7. Further, the Local has been distributing flyers to homes in the Snohomish County portion of Bothell urging voters to approve the EMS levy ballot measure.

REMEDY REQUESTED: Given that only 11 days remain in the campaign, the PDC should order each of the organizations identified herein to immediately file a C1-PC and then within 3 days to file C-3's listing ALL contributors with dates, names, addresses and amounts.

The Commission should vigorously enforce RCW 42.17.680 and compel each union to open its books so that the Commission and the public can see exactly the source of the funds being contributed. In particular, a full and complete accounting of their SEGREGATED FUNDS should be required immediately along with all 'Political Contribution Withholding Authorizations' as specified in the law.

I have endeavored to be extremely careful to ensure that the information provided herein is true, accurate and complete to the best of my ability. I take sole responsibility for the content of this complaint. If you discover any factual error, please allow me the opportunity to correct it.

Please feel free to contact me if you have any questions

Sincerely,



William E. Moritz

Exhibit #1: Spreadsheet prepared 27 October 2005

Exhibit #2: The October 20, 2005, letter from Mr. James H. Ito to the Commission.